

REMARKS/ARGUMENTS

Claims 43-60 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,273,535 (Inoue) in view of U.S. Patent No. 5,604,227 (Starkweather) and further in view of U.S. Patent No. 6,477,318 (Ishii). Applicants respectfully traverse the rejection. With regard to claim 43, the Office Action concedes that Inoue does not disclose developing a device profile based at least in part on the conditions of image capture. Instead, the Office Action purports to rely on Starkweather for such a teaching. However, Starkweather does not teach or suggest developing a device profile based at least in part on the conditions of image capture. In this regard, the Office Action refers to column 2 of Starkweather. However neither this nor any other portion of Starkweather teaches such development of a device profile based at least in part on image capture conditions. Instead, the sensor of Starkweather merely transmits color sampling data to a processor. There, the processor manipulates the sampled data (color image data 12) into a device independent color space 14. Starkweather, col. 3, lns. 54-60. Nowhere in this process does Starkweather teach or suggest developing a device profile based at least in part on image capture conditions. Furthermore, the combination of Starkweather and Inoue does not teach or suggest transferring the graphical object and associated device profile from an imaging device because neither Starkweather nor Inoue teach or suggest the claimed device profile. Nor does Starkweather transmit anything but the sampled data from the sensor.

Also, there is no motivation to combine Inoue with Starkweather. In this regard, Starkweather is a system for calibrating image data between a color display and a color printer. There is no teaching or suggestion to use its calibration system for image capture devices.

Nor does the inclusion of Ishii with Inoue and Starkweather teach or suggest dynamically generating a profile by transferring the graphical object and device profile from the imaging device. Instead, Ishii teaches storing color space data and image data in the imaging device itself. Thus Ishii fails to teach the claimed dynamic generation.

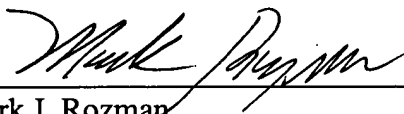
Accordingly for at least these reasons independent claims 43, 50 and 57 are patentable over the proposed combination. For at least the same reasons, claims 44-49, 51-56 and 58-60 depending therefrom are also patentable.

Claims 44 and 51 have been amended to place them in better form for allowance or appeal.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

Date: September 9, 2004


Mark J. Rozman
Registration No. 42,117
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024-1805
(512) 418-9944 [Phone]
(713) 468-8883 [Fax]



21906

PATENT TRADEMARK OFFICE